

DECLARATION AND POWER OF ATTORNEY

As a below named Inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the invention entitled: METHODS AND DEVICES FOR IMPROVING CARDIAC FUNCTION IN HEARTS the specification of which is attached and/or was filed on _____ as United States Application Serial No. _____ or PCT International Application No. _____ and was amended on _____ (If applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C.
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)
09/124,286	July 29, 1998	Pending
08/933,456	September 18, 1997	Pending
08/778,277	January 2, 1997	Pending

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvoold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heft, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Leslie I. Bookoff, Reg. No. 38,084; and Susanne C. Tinker, Reg. No. 44,472. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 1300 I Street, N.W., Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Listing of Inventors Continued on Page 2 hereof. Yes No

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

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Post Office Address	Same as above		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick M. McCarthy et al. Attorney Docket: MYO1001US

Serial No.: To be assigned

Filed: December 12, 2003

For: METHODS AND DEVICES FOR IMPROVING CARDIAC
FUNCTION IN HEARTS

REVOCATION OF FORMER POWERS OF ATTORNEY,
NEW POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST,
AND CHANGE OF CORRESPONDENCE ADDRESS

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

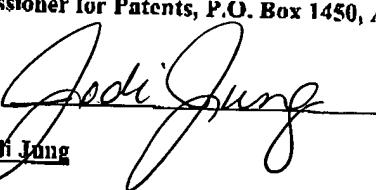
Dear Sir:

As Assignee of the entire interest of the above-identified U.S. patent application, Myocor, Inc., having a place of business at 13300 67th Avenue North, Maple Grove, Minnesota 55311, hereby revokes all powers of attorney previously given in regard to this application and appoints the following as its attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office connected with this application, including the power to receive all documents issued by the U.S. Patent and Trademark Office based thereon, to file continuation, continuation-in-part and divisional applications based thereon, to pay any and all

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. FV 398760823 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: December 12, 2003

Signature: 

Name: Jodi Jong

Revocation of Former Powers of Attorney
Applicants: Patrick M. McCarthy et al.
Serial Number: To be assigned

Attorney Docket: MYO1001US

fees, including maintenance fees for any resulting patent, and to file for reissues and extensions and to request reexamination of any resulting patent, all such powers to be exercised separately or collectively by:

Thomas E. Popovich, Esq. (30,099)
Terry L. Wilcs, Esq. (29,989)
Patrick J. O'Connell, Esq. (33,984)
Cecilia Jaisle (28,824)
Miriam G. Simmons (34,727)

Said Assignee requests that all correspondence concerning this application be sent to:

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POPOVICH, WILES & O'CONNELL, P.A.
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Minneapolis, MN 55402

Said Assignee requests that all telephone calls be directed to Terry L. Wiles at (612) 334-8992.

Date: 11 Dec 2003

By: 

Cyril J. Schweich, Jr., M.D.
Executive Vice President
Chief Technology Officer
Myocor, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick M. McCarthy et al. Attorney Docket: MYO1001US

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For: METHODS AND DEVICES FOR IMPROVING CARDIAC FUNCTION
IN HEARTS

STATEMENT UNDER 37 C.F.R. § 3.73(b)

This certifies that Myocor, Inc. is the assignee of the entire right, title and interest in the patent application identified above by virtue of a chain of title from the inventors of the patent application identified above to the current assignee as shown below.

1. From Patrick M. McCarthy, Cyril J. Schweich, Jr., Todd J. Mortier, Peter T. Keith, and Michael J. Kallok to: Myocor, Inc.

This document was recorded in application Serial No. 09/422,328, filed October 21, 1999 in the Patent and Trademark Office at Reel 010338 Frame 0483

Date: 11 Dec. 2003

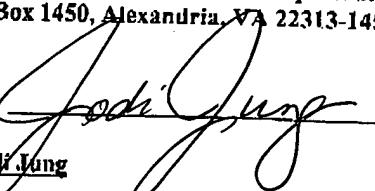
Name: 

Cyril J. Schweich, Jr., M.D.
Executive Vice President
Chief Technology Officer
Myocor, Inc.

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 398760823 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: December 12, 2003

Signature: 

Name: Jodi Jung